

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL TEPOEL,

Defendant.

ORDER

07-CR-66-C

On March 12, 2008, this court held an *ex parte* hearing with defendant Daniel Tepoel and his third CJA attorney, Morris Berman, to discuss and resolve Tepoel's motion to dismiss Berman and replace him with a fourth attorney, countered by Attorney Berman's motion to be relieved from representing Tepoel in this prosecution.

After hearing from both sides, I granted Berman's motion to withdraw and granted Tepoel's corresponding motion to remove Attorney Berman. I did not grant Tepoel's request for a fourth CJA attorney. As stated in more detail on the record and as evidenced in previous *ex parte* attorney-removal hearings in this case, Tepoel by his actions has constructively waived his right to appointed counsel in this case.

As a corollary to this finding, there will be no more adjournments of the trial which shall begin on March 24, 2008. If Tepoel can find the money, he is free to hire an attorney to represent him at trial on that date. Additionally, the court is willing to ask the federal defender if it will appoint an attorney to act as standby counsel for Tepoel at the March 24 trial. (Attorney Berman will not serve in this capacity for reasons stated at the March 12 hearing).

Given that trial is less than two weeks away, it is a long shot whether any attorney would accept this assignment. In that case, Tepoel is hoist on his own petard and shall go to trial *pro se*, notwithstanding his protestations that he has yet to be assigned a competent attorney in this case.

Entered this 12th day of March, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge